

REMARKS

Claims 12-26 and 28 are pending in the present application. The Examiner has rejected claims 12-26 and 28 under 35 U.S.C. §103(a), and rejected claims 12, 14-15, and 17 under the judicially created obviousness-type double patenting doctrine. With this response, Applicant has amended claims 12 and 28, and has canceled claim 26. No new matter has been introduced.

Double Patenting Rejections:

The Examiner rejected claims 12, 14-15, 17, and 28 under the judicially created obviousness-type double patenting doctrine over claims 1-6 of U.S. Patent No. 6,610,596 (Lee, *et al.*) in view of U.S. Patent No. 6,063,306 (Kaufman, *et al.*) and U.S. Patent No. 6,495,200 (Chan, *et al.*).

Applicant respectfully disagrees. However, to obviate the double patenting rejection, Applicant will consider the filing of a terminal disclaimer, but respectfully requests that such submission be held in abeyance until notification of allowable subject matter for this case.

Section 103 Rejections:

Claims 12-16 were rejected under 35 U.S.C. § 103(a) as being obvious over U.S. Patent No. 6,368,484 (Volant, *et al.*) in view of U.S. Patent No. 6,709,316 (Sun, *et al.*) ("Sun1").

Claims 17 and 28 were rejected under 35 U.S.C. § 103(a) as being obvious over Volant in view of Sun1, and further in view of U.S. Patent No. 6,511,912 (Chopra, *et al.*).

Claims 12, 16 and 18-26 were also rejected under 35 U.S.C. § 103(a) as being obvious over U.S. Patent No. 6,063,306 (Kaufman, *et al.*) in view of U.S. Patent No. 6,495,200 (Chan, *et al.*) and U.S. Patent Application Publication No. 2003/0022801 (Sun, *et al.*) ("Sun2").

Applicant has amended independent claims 12 and 28 to incorporate the subject matter of claim 26, which depends from claim 12. Applicant notes that claim 26 was not

subject to rejection based on Volant and Sun1 or based on Volant, Sun1, and Chopra, and thus Applicant urges that neither combination of references disclose or suggest *the concentration of the chelate reagent is within the range of about 0.001% to about 1% by weight*, as essentially recited in amended claims 12 and 28. Thus, Applicant urges that claim 12 is not obvious over Volant and Sun1, and that claim 28 is not obvious over Volant, Sun1, and Chopra. Applicant notes that claim 26 was also rejected as obvious over Kaufman, Chan, and Sun2. However, as will be discussed below, Applicant urges that there is no motivation or suggestion to combine Kaufman, Chan and Sun2 to reject claim 12 for being obvious, and thus claim 26 is not obvious over Kaufman, Chan and Sun2. Reconsideration and withdrawal of these obviousness rejections are respectfully requested.

Claims 13-16 depend from claim 12, and are thus patentable for at least the same reasons as claim 12. Reconsideration and withdrawal of these obviousness rejections are respectfully requested. Claim 17, which depends from claim 12, was rejected over Volant, Sun1, and Chopra. However, as stated above, the combination of Volant and Sun1 fails to disclose or suggest all of the limitations of amended claim 12, and Chopra does not rectify this failure. Thus, Applicant urges that claim 17 is not obvious over Volant, Sun1, and Chopra. Reconsideration and withdrawal of this obviousness rejection are respectfully requested.

Applicant urges that independent claim 12 is not obvious over Kaufman, Chan, and Sun2 for at least the reasons presented below.

At the very least, there is no motivation or suggestion to combine at Kaufman and Sun2. Kaufman discloses two CMP slurries, both of which include abrasives. The importance of the abrasives in Kaufman's CMP slurries is indicated by Kaufman's specification from col. 9, line 25, to col. 10, line 50, where preferred abrasive materials and properties are detailed. The Examiner cites Sun2 as disclosing an abrasive free CMP solution. However, Applicant urges that Sun2, by disclosing an abrasive free slurry, and Kaufman, by disclosing two CMP slurries, both of which require abrasives, teach away from each other. Further, there is no indication that either of Kaufman's slurries would perform as required if they were abrasive free, thus there is no reasonable expectation

that one skilled in the art could successfully combine Kaufman and Sun2. Thus, Applicant urges that there is no motivation or suggestion to combine these two references. The Examiner cited Chan as disclosing forming a seed layer. However, there is no disclosure of CMP or a CMP solution in Chan, and thus Chan does not rectify the deficiencies of Kaufman and Sun2. Furthermore, Applicant urges that by combining these references in a piecemeal fashion, the Examiner is relying on improper hindsight gained from the teachings of Applicant's disclosure.

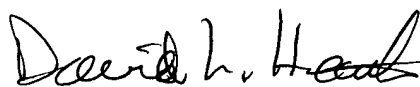
Thus, for the foregoing reasons, Applicant urges that independent claim 12 is not obvious over the combination of Kaufman, Sun2, and Chan. Reconsideration and withdrawal of this obviousness rejection are respectfully requested.

Claims 16 and 18-26 all depend from claim 12, and are thus patentable for at least the same reasons as claim 12. Reconsideration and withdrawal of these obviousness rejections are respectfully requested.

CONCLUSION

Applicant urges that claims 12-25 and 28 are in condition for allowance for at least the reasons stated. Early and favorable action on this case is respectfully requested.

Respectfully submitted,

By: 
David L. Heath
Reg. No. 46,763
Attorney for Applicants

Mailing Address:

F. Chau & Associates, LLC
130 Woodbury Road
Woodbury NY 11797
(516) 692-8888
(516) 692-8889 (FAX)